

Delta (original)

Problem in Germany

*I'll rely on Jeff
for help - thought
you might want
to see*

B

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PHILIP MORRIS MANAGEMENT CORP.
LAW DEPT. - PATENT SECTION

JUL 15 1991

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583,

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8th July 1991
Our ref: PAS/CS/23844
Your ref: PM 1088

For the attention of Beverly A. Monroe

Dear Beverly,

German Patent Application P31 18 471.3-23
Your ref: PM 1088 - Our file: 23844

I regret to say that we have a new official action on this application which rejects the amended claims on the basis of the same documents as those relied upon in the previous action. I enclose a translation of the official action with Abitz' comments and copies of four additional German specifications which are referred to in relation to features appearing in the sub-claims. I am sending copies of all this material to Jeff Ingerman at Fish & Neave. I am sorry that there has been some delay in sending you this material. Abitz are asking for instructions for response by 6th August and extensions of time may be very difficult to obtain.

I am afraid that this second action is very negative and it is difficult to see how we might amend the claims to identify novel features which are clearly inventive over the disclosure of the Swiss specification, particularly having regard to the features shown in other citations which the Examiner argues can easily be combined with the teaching of the Swiss specification.

Although we have granted patents in the U.S.A. and in a number of other countries I have not been able to find any assistance in the corresponding cases in other countries to deal with the specific objections raised in Germany. The Japanese case is under appeal and the corresponding Dutch case is still under examination by the Dutch Patent Office who have not yet reported concerning the results of their substantive examination.

Yours sincerely,

P.A. Smith
P.A. Smith

Encs: Translation et.
4 references

cc. Fish & Neave

R&G

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